IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JUNE
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE SRI JUSTICE BILAL NAZKI
and
THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No.6936 of 2007

Between:

D.V.V.Satyanarayana.

..... PETITIONER

AND

1.The Commissioner,
Greater Visakha Municipal Corporation,
Visakhapatnam and another.

.....RESPONDENTS

The Hon'ble Sri Justice Bilal Nazki
and
The Hon'ble Sri Justice S.Ananda Reddy

Writ Petition No.6936 of 2007

Order: *(per the Hon'ble Sri Justice Bilal Nazki)*

Heard the learned Counsel for the parties and with their consent, the Writ Petition is disposed of at the stage of admission.

In the Writ Petition, it is stated that the petitioner is a licensee having occupation of the premises bearing No.13-2-6, Ramajogipeta, Visakhapatnam from the year 1984. It is further stated that there are four portions of the

said building and the petitioner is occupying only one portion as a tenant. While so, the petitioner was served with the impugned distraint notice. Hence, he filed the present Writ Petition.

On 09-04-2007, this Court ordered that the impugned distraint notice shall remain stayed subject to the petitioner depositing rent with the first respondent-Municipal Corporation.

It is submitted by the learned Counsel for the petitioner that the petitioner has been paying the rent due from him towards the arrears of tax. It is contended that the petitioner was not liable to pay the tax for the period for which it has been demanded and no tax is recovered from the other three tenants or from the owner.

In view of the fact that the petitioner has been paying the rent due from him towards the arrears of tax, the Writ Petition is disposed of in terms of the interim order passed by this Court on 09-04-2007 and the impugned distraint notice is set aside as against the petitioner. However, the first respondent-Municipal Corporation shall be at liberty to recover the arrears of tax from the persons, who are liable to pay it. No costs.

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(Bilal Nazki, J)

5th June, 2007

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(S.Ananda

Reddy, J)

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